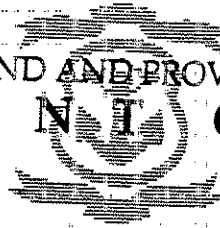


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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HEALTH



Safe and Healthy Lives in Safe and Healthy Communities

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

C96-238

In the matter of:
Allen V. Hurt, M.D.

CONSENT ORDER

A notification of the National Practitioner Data Bank from the MMJUA was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "the Board"). The notification alleged that Allen V. Hurt, M.D. (hereinafter referred to as "the Respondent") had violated §5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended.

The Respondent is a physician licensed to practice medicine in the State of Rhode Island. The following constitutes the Investigating Committee's Investigative Findings:

Investigative Findings

1. The patient was referred to the Respondent for a recurrence of a basal cell carcinoma. The referring surgeon had removed a basal cell carcinoma from the patient's nose in

2. The Respondent performed a surgical procedure to excise the lesion and do a flap reconstruction. Tissue from the medial canthus was diagnosed by the pathologist as skin showing basal cell carcinoma. Focal tumor extension to the depth resection margin was noted. The Respondent maintains that he informed the patient of the need for follow-up and future testing but his records do not note this conversation.

3. The patient was examined by an Ear, Nose and Throat specialist later for a recurrence of the lesion. The Ear, Nose and Throat specialist noted that the 1989 pathology report showed a focal extension to the depth of the resection margin on one of the specimens. He performed an open biopsy which showed recurrent carcinoma. An MRI showed a lesion of the medial aspect of the right orbit.

4. The patient was referred to Boston where a wide field exenteration of the eyelid, orbit paranasal skin and right ethmoid and frontal sinuses were performed.

5. The Board of Medical Licensure and Discipline finds the Respondent guilty of violating R.I.G.L. §5-37-5.1(19) for negligence in the practice of medicine for failing to communicate to the patient a positive pathology report of carcinoma left behind following the lesion excision.

The parties agree as follows:

(1) The Respondent is a physician licensed and previously doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. 5421.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee I of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;

- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct.

(6) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

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(9) Respondent accepts the sanction of a Reprimand and
an administrative fee of \$500.00 payable within sixty days of
the ratification of this order.

Signed this

2 day of June 1998.

Allen V. Hurt

Allen V. Hurt, M.D.

Ratified by the Board of Medical Licensure and Discipline at
a meeting held on 13 May 1998.

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Patricia A. Nolan MD MPH
Patricia A. Nolan MD, MPH
Chairperson
Board of Medical Licensure and
Discipline